THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.5376 of 2006

Between:

Potu Rajaiah and anoher … Petitioners

And

The District Collector, Khammam

And 2 others

…Respondents

ORDER:

Petitioners question the action of respondents 2 and 3 and their subordinates in taking steps and trying to dispossess the petitioners from the land admeasuring Ac.3.00 in R.S.No.128(Part) situated at Yetapaka Village, Bhadrachalam Mandal of Khammam District, without issuing any notice and without initiating any proceedings is illegal and arbitrary.

The case of the petitioners is that both petitioners, sons of late

Pullaiah were granted ryotwari pattas under the provisions of A.P. Scheduled Areas Ryotwari Settlement Regulation 2 of 1970 to an extent of land admeasuring Hec.1.20 (Ac.3.00) in R.S.No.128 (part) situated at Yetapaka Village, Bhadrachalam Mandal of Khammam District, vide order dated 7.11.1977 in Case No.5322. The claim of the petitioners in so far as Hec.1.32 in Sy.No.128 is concerned the same is disallowed by the Settlement Officer, Venkatapuram. It is stated that the petitioners are not in possession and enjoyment of the disallowed land, which is registered as wasteland, and the petitioners are in continuous possession and enjoyment of the said Hec.1.20 only. It is stated that the respondents without issuing any notice and without following the due procedure prescribed under law trying to dispossess the petitioners in respect of the said land for which patta was allowed in their favour.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

I am not inclined to express any opinion whether the petitioners are encroaching other than the patta lands or not. But, however, without giving any notice and without following the procedure prescribed under law, the respondents cannot dispossess the petitioners from the lands in question. Accordingly, the respondents are directed not to dispossess the petitioners from the land admeasuring Ac.3.00 in R.S.No.128 (Part) situated at Yetapaka Village, Bhadrachalam Mandal, Khammam District, without following the due procedure prescribed under law.

The writ petition is disposed of accordingly. No order as to costs.

(V.ESWARAIAH, J.)

18.3.2006

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